



**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket No.

RBL0109

In re Application of: **Andreas Hefel**
Application No. **10/780,152**
Filed: **February 17, 2004**

For: **USE OF POLYSACCHARIDES, SUCH AS GALACTOMANNANS, GLUCOMANNANS AND THE LIKE
FOR INTRODUCING ACTIVE SUBSTANCES INTO THE HUMAN OR ANIMAL METABOLISM**

The owner, Wheli Inter AG of 100 percent
interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of
any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term
defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent
granted on pending second Application Number 10/595,684, filed on May 4, 2006.
The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during
such period that it and any patent granted on the second application are commonly owned. This agreement runs with
any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and
173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent
grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is
found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37
CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or in any manner terminated prior to
the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government
agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on
information and belief are believed to be true; and further that these statements were made with the knowledge that
willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of
Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any
patent issued thereon.

2. ☒ The undersigned is an attorney of record.

3. Owner/applicant is ☒ Small entity ☐ Large entity

The terminal disclaimer fee under 37 CFR 1.20(d) is \$65.00 and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment,
to Deposit Account Number 02-0385.
☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not
be included on this form. Provide credit card information and authorization on PTO-2038.**

PTO suggested wording for terminal disclaimer was

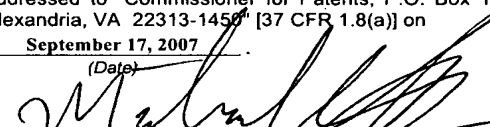
- ☒ unchanged ☐ changed (if changed, an explanation should be supplied.)


Signature

Name and Address of Person Signing

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Dated: September 17, 2007

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on	
<u>September 17, 2007</u> (Date)	
Signature of Person Mailing Correspondence	
Michael D. Schwartz, Regis. No. 44,326	
Typed or Printed Name of Person Mailing Correspondence	